

# FEDERAL REGISTER



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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VIII—SUGAR DIVISION, AGRICULTURAL ADJUSTMENT ADMINISTRATION

##### PART 802—SUGAR DETERMINATIONS

###### DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1940 AND 1941 CROPS OF SUGAR BEETS (EXCLUSIVE OF THE STATE OF CALIFORNIA)

Whereas, section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

And whereas, The Secretary of Agriculture held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1940 and 1941 crops of sugar beets:

Now, therefore, I, Grover B. Hill, Acting Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.12c Fair and reasonable prices for the 1940 and 1941 crops of sugar beets. The requirements of subsection (d) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the 1940 and 1941 crops of sugar beets (exclusive of the State of California) if the producer on the farm shall have paid rates for any sugar beets processed by him not less than those provided in the following schedules:

### District No. 1—Ohio, Michigan, Indiana and Wisconsin

Price per ton of beets paid by all factories located in above districts shall be not less than the prices provided for in the contracts pursuant to which the 1939 crop of sugar beets was purchased.

### District No. 2—Minnesota, Iowa, and Eastern North Dakota

Percentum sucrose in cossettes	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.	\$6.09	\$5.53	\$4.98	\$4.43	\$3.88
17.	5.75	5.23	4.70	4.17	3.64
16.	5.41	4.92	4.43	3.94	3.45
15.	5.07	4.61	4.15	3.69	3.23
14.	4.73	4.30	3.87	3.44	3.01

### District No. 3—Western Nebraska, Northern Colorado, and Southern Wyoming

Percentum sucrose in beets	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.	\$6.37	\$5.90	\$5.47	\$5.02	\$4.57
17.	6.00	5.56	5.14	4.73	4.32
16.	5.60	5.19	4.80	4.41	4.02
15.	5.24	4.85	4.50	4.13	3.76
14.	4.85	4.49	4.15	3.82	3.49

### District No. 4—Northern Wyoming, Southern & Eastern Montana, and Western North Dakota

Percentum sucrose in cossettes	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.	\$6.52	\$6.04	\$5.59	\$5.14	\$4.69
17.	6.13	5.68	5.25	4.83	4.41
16.	5.73	5.31	4.91	4.52	4.13
15.	5.34	4.95	4.58	4.21	3.84
14.	4.95	4.59	4.25	3.90	3.55

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#### District No. 5—Western and Northern Montana

Percentum sucrose in cossettes	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.....	\$6.56	\$5.98	\$5.40	\$4.82	\$4.24
17.....	6.16	5.61	5.06	4.51	3.96
16.....	5.76	5.25	4.74	4.23	3.72
15.....	5.36	4.80	4.42	3.95	3.48
14.....	4.96	4.53	4.10	3.67	3.24

#### District No. 6—Utah, Idaho, Washington and Oregon

Percentum sucrose in cossettes	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.....	\$6.46	\$6.13	\$5.58	\$5.13	\$4.58
17.....	6.04	5.71	5.18	4.76	4.24
16.....	5.63	5.30	4.80	4.40	3.90
15.....	5.27	4.94	4.42	4.05	3.58
14.....	4.91	4.58	4.04	3.70	3.26

#### District No. 7—Belle Fourche, South Dakota, Grand Island, Nebraska, Rocky Ford, Swink, Delta and Sugar City, Colorado, Garden City, Kansas

Not less than the higher of the contract schedules used in 1939, or the following schedule:

Percentum sucrose in cossettes	Average net return per 100 pounds of sugar				
	\$4.00	\$3.75	\$3.50	\$3.25	\$3.00
Price per ton of sugar beets					
18.....	\$6.30	\$5.85	\$5.40	\$4.95	\$4.50
17.....	5.86	5.44	5.02	4.59	4.16
16.....	5.44	5.04	4.64	4.24	3.84
15.....	5.07	4.65	4.28	3.90	3.52
14.....	4.73	4.29	3.92	3.57	3.22

*Provided, however.* That payment upon fractional parts within the intervals of the above schedules shall be in proportion; and payment on sugar contents or net returns higher or lower than those appearing in the above schedules shall be in proportion, using the nearest interval as the basis for calculation; and

*Provided, further.* That the net returns realized from the sale of beet sugar shall be determined in the usual manner, but in no event shall the net returns used as a basis for settlement represent an average of the proceeds realized from the sale of sugar by more than one company. (Sec. 301, 50 Stat. 909; 7 U.S.C., 1131)

Done at Washington, D. C., this 12th day of February 1941. Witness my hand and seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,

Acting Secretary of Agriculture.

[F. R. Doc. 41-1062; Filed, February 12, 1941; 2:51 p. m.]

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### CHAPTER II—AGRICULTURAL MARKETING SERVICE

###### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO CLINT CRAFT, DOING BUSINESS AS PORTALES LIVESTOCK SALES COMPANY, PORTALES, NEW MEXICO<sup>1</sup>

FEBRUARY 12, 1941.

Whereas the Portales Livestock Sales Company was posted on August 28, 1940,

<sup>1</sup> Modifies list posted stockyards 9 CFR 204.1.

as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Portales Livestock Sales Company is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Portales Livestock Sales Company no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 41-1067; Filed, February 13, 1941;  
11:09 a. m.]

#### TITLE 26—INTERNAL REVENUE

##### CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5039]

###### PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

###### AMENDMENTS TO BASIC PERMIT PROCEDURE UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

SECTION 1. By virtue of and pursuant to the provisions of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1) and section 161 of the Revised Statutes (U.S.C., Title 5, Sec. 22), Part 171 of Title 26 of the Code of Federal Regulations is hereby amended by striking out paragraphs "(c)" and "(d)" of § 171.4d thereof.

SEC. 2. By virtue of and pursuant to the provisions of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1) and section 161 of the Revised Statutes (U.S.C., Title 5, Sec. 22), Part 171 of Title 26 of the Code of Federal Regulations is hereby amended by adding to § 171.4d thereof the following new paragraphs:

§ 171.4d Procedure.

(c) The hearing in any proceedings instituted under this section by the Deputy Commissioner shall be held by him, or by a hearing officer authorized by him, and at such time and place as he may designate. The hearing in any proceedings instituted under this section by any District Supervisor shall be held by him, or by a hearing officer authorized by him, and at such time and place as he may designate, except that the time and place of any hearing within a district other than that of such supervisor shall be such time and place as may be designated by the District Supervisor of the other district, who shall conduct the hearing or authorize a hearing officer to conduct it, and who shall certify for decision the record thereof to the District Supervisor who instituted the proceedings. The time and place of any

designated hearing may be changed upon agreement of the parties.

(d) Upon written application, the attendance and testimony of any person, or the production of documentary evidence, in proceedings instituted under this section may be required by personal subpoena (Form 1644) or by subpoena duces tecum (Form 1645). Subpoenas may be issued by the Deputy Commissioner, or by any District Supervisor, or by any officer or employee thereunto authorized by either the Deputy Commissioner or the District Supervisor. Both the application and the subpoena shall set forth the title of the proceedings, the name and address of the person whose attendance is required, the date and place of his attendance, and, if documents are required to be produced, a description thereof; and the application shall set forth sufficient facts to show the relevancy of the testimony and documents.

(e) Any officer instituting proceedings under this section, or authorized to conduct hearings in such proceedings, may order the taking of depositions in the proceedings at such time and place as he may designate before a person having the power to administer oaths. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and the deposition shall be subscribed by the deponent unless the subscribing thereof is waived in writing by the parties. Any person may be subpoenaed to appear and depose and to produce documentary evidence in the same manner as witnesses at hearings.

(f) Citations, notices of disapproval of application, notices of hearing, orders, and all documents, other than subpoenas, served in proceedings under this section, shall be served in person by any officer, employee or agent of the Treasury Department, or by registered mail (with request for registry return receipt card post-office Form 3811) to the last known address in the records of the Alcohol Tax Unit. A certificate of mailing and the registry return card (post-office Form 3811), or a certificate of personal service, shall be filed as part of the record in each case. Subpoenas shall be served in person, and, when issued on behalf of the United States, service shall be made by an officer, employee or agent of the Treasury Department.

(g) Any provisions of Regulations No. 1, Relating to the Issuance, Revocation, Suspension and Annulment of Basic Permits, which are inconsistent with the provisions of this section, are repealed to the extent of such inconsistency.

SEC. 3. These regulations shall take effect fifteen days after the date of filing with the Division of the Federal Register, but shall not invalidate any act done

prior to such effective date in conformity with regulations theretofore existing.

[SEAL] STEWART BERKSHIRE,  
Deputy Commissioner of  
Internal Revenue.

Approved: January 21, 1941.

GUY T. HELVERING,  
Commissioner of Internal Revenue.

February 12, 1941.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-1086; Filed February 13, 1941;  
11:51 a. m.]

## TITLE 29—LABOR

### CHAPTER V—WAGE AND HOUR DIVISION

#### PART 591—MINIMUM WAGE RATES IN THE RAILROAD CARRIER INDUSTRY

#### ORDER IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 9

EFFECTIVE MARCH 1, 1941.

Whereas on November 2, 1939, pursuant to section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 34, appointed Industry Committee No. 9 for the Railroad Carrier Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Railroad Carrier Industry in accordance with Section 8 of the Act; and

Whereas, the Committee included four disinterested persons representing the public and a like number of persons representing the employees in the Railroad Carrier Industry, and a like number representing employers in the Industry, and each group was appointed with due regard to the geographical regions in which the Railroad Carrier Industry is carried on; and

Whereas on August 15, 1940, after investigation of conditions in the Industry, the Committee filed with the Administrator a report containing its recommendations for a 36 cent per hour minimum wage rate in the Trunk Line Division of the Railroad Carrier Industry, and for a 33 cent per hour minimum wage rate in the Short Line Division of the Railroad Carrier Industry; and

Whereas after notice published in the FEDERAL REGISTER on August 23, 1940, Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on September 23 and 24, 1940, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before November 18, 1940; and

Whereas oral argument was held on November 25, 1940, before the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, concludes that the Committee's recommendations for the Railroad Carrier Industry, as defined in Administrative Order No. 34, are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 9 for Minimum Wage Rates in the Railroad Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.:

Now, therefore, it is ordered, That:

§ 591.1 Approval of recommendations of industry committee. The Committee's recommendations are hereby approved.\*

\* §§ 591.1 to 591.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 591.2 Wage rates. (a) Wages at a rate of not less than 36 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Trunk Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce;

(b) Wages at a rate of not less than 33 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Short Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce.\*

§ 591.3 Posting of notices. Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Railroad Carrier Industry shall post and keep posted in a conspicuous place in each department of each of his establishments where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States

Department of Labor, and shall give such other notice as the Division may from time to time prescribe."

§ 591.4 *Definition of railroad carrier industry and divisions thereof.* The Railroad Carrier Industry and the divisions thereof to which this Order shall apply are hereby defined as follows:

For the purpose of this Order the term "Railroad Carrier Industry" means the industry carried on by any express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act, and by any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: *Provided, however,* That the term "Railroad Carrier Industry" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

(a) The term "Trunk Line Division," as used in this Order, means the industry carried on (1) by any express company, switching company, terminal company or sleeping car company subject to Part I of the Interstate Commerce Act, (2) by any carrier by railroad subject to Part I of the Interstate Commerce Act having annual operating revenues of more than one million dollars (\$1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and (3) by any company which is directly or indirectly owned or controlled by one or more such carriers, by one or more carriers under (b) hereof or by one or more such carriers jointly with one or more carriers under (b) hereof or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or oth-

erwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: *Provided, however,* That the term "Trunk Line Division" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power;

(b) The term "Short Line Division," as used in this Order, means the industry carried on by any carrier by railroad, subject to Part I of the Interstate Commerce Act, having annual operating revenues of less than one million dollars (\$1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such carrier by railroad: *Provided, however,* That the term "Short Line Division" shall not include the industry carried on (1) by any carrier or company included within paragraph (a) hereof or (2) by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.\*

§ 591.5 *Effective date.* This Wage Order shall become effective March 1, 1941.\*

Signed at Washington, D. C., this 12th day of February 1941.

PHILIP B. FLEMING,  
Administrator,  
Wage and Hour Division,  
U. S. Department of Labor.

[F. R. Doc. 41-1088; Filed, February 13, 1941;  
11:55 a. m.]

#### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

##### CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

###### PART 2—REGULATION OF WHALING

AMENDMENT TO THE JOINT REGULATIONS OF THE SECRETARY OF THE TREASURY AND THE SECRETARY OF THE INTERIOR PROHIBITING THE TAKING OF HUMPBACK WHALES PRIOR TO SEPTEMBER 30, 1940

Pursuant to the authority of the Whaling Treaty Act of May 1, 1936, 49 Stat. 1246 (U.S.C., Sup. V, title 16, secs. 901-915), to give effect to the Convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United

States, March 31, 1932, and effective January 16, 1935 (49 Stat. pt. 2, 3079); and in accordance with the International Agreement for the Regulation of Whaling, signed at London, June 8, 1937, and effective May 7, 1938 (52 Stat. 1460); and the Protocol Amending the International Agreement of June 8, 1937, signed at London, June 24, 1938, and effective March 30, 1939 (53 Stat. 1794); and pursuant to other applicable provisions of law, we, the Secretary of the Treasury and the Secretary of the Interior, having determined after due investigation, when and to what extent, if at all, and by what means whales may be taken or transported, hereby make, prescribe, and promulgate an amendment to § 2.6 (b) of said Joint Regulations approved by the President on March 18, 1940, by striking out of said subsection (b) the year "1940" and by substituting in lieu thereof the year "1941."

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

E. K. BURLEW,  
Acting Secretary of the Interior.

Approved:

FRANKLIN D ROOSEVELT  
The White House,  
February 7, 1941.

[F. R. Doc. 41-1087; Filed, February 13, 1941;  
11:51 a. m.]

#### TITLE 47—TELECOMMUNICATION

##### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

##### PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

##### AMENDMENTS AND ADDITIONAL REGULATIONS

The Commission on February 11, 1941, amended its Rules and Regulations as follows, effective immediately:

###### § 9.71 *Airport control frequencies.*

(a)	130,400 kc.
(b)*	129,200 kc.
	129,800 kc.
	131,000 kc.
	131,600 kc.
(c)*	129,000 kc. 130,600 kc.
	129,400 kc. 131,800 kc.
	129,600 kc. 130,800 kc.
	130,000 kc. 131,200 kc.
	130,200 kc. 131,400 kc.

\* These frequencies to be used, in the order named, in the event that the geographical location of airport stations is such as to render the use of the frequency 130,400 kc. impracticable.

\* These frequencies will be assigned, when necessary, on the basis of an individual study of the circumstances surrounding each case.

(d) 278 kc.—this frequency is available for assignment in lieu of a high frequency, except that its use at some airports, after certain dates, must be supplemented by a service on one of the high frequencies, in accordance with the following schedule:

(1) Airports having fifteen or more scheduled aircraft landings daily, after January 1, 1941.

(2) Airports having six or more but less than fifteen scheduled aircraft landings daily, after July 1, 1942.

(3) All other airports after January 1, 1943: *Provided, however,* That upon application therefor the Commission may exempt any station from the high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Adopted the following new section:

§ 9.83 *Type of emission.* Stations in the aviation service shall use amplitude modulation and Type A-1, A-2 and A-3 emission, as may be appropriate. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (e), 48 Stat. 1082; 47 U.S.C. 303 (e)).

Amended the following sections:

§ 9.115<sup>1</sup> *Interference.*<sup>12</sup> The operation of airport control stations in adjacent airport areas shall be on a non-interference basis only. In case of disagreement between adjacent areas, the Commission will specify the arrangements necessary to eliminate interference. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

<sup>12</sup> In the interest of interference reduction, the assignment of ultra-high frequencies will be made, so far as possible, in accordance with the following table:

Distance separation:	Frequency Separation
0-60 miles	400 kc.
60-200 miles	200 kc.
Over 200 miles	0 kc.

*Provided, however,* That in the case of airports separated by distances between 200 and 500 miles, should audio beat notes occur during simultaneous operation, the airports involved may be required to adjust their operating frequency to avoid this type of interference.

§ 9.116<sup>1</sup> *Power.* \* \* \*

(c) The power of airport control stations operating on other frequencies shall be 100 watts into an antenna system equivalent to two-crossed dipoles placed at a height from 50 to 80 feet above ground, or 50 watts into an antenna system equivalent to a two-stack two-crossed dipole or a single loop antenna placed at the same height. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (e), 48 Stat. 1082; 47 U.S.C. 303 (e))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-1066; Filed, February 13, 1941;  
10:48 a. m.]

## Notices

### NAVY DEPARTMENT.

#### Bureau of Ships.

[NOD-1642]

#### SUMMARY OF CONTRACT FOR CONSTRUCTION OF DESTROYERS

CONTRACTOR: FEDERAL SHIPBUILDING AND DRY DOCK COMPANY, KEARNY, NEW JERSEY

JANUARY 30, 1941.

Under date of December 16, 1940, the Navy Department entered into a contract with the Federal Shipbuilding and Dry Dock Company for the construction of six (6) destroyers at the plant of that company at Kearny, New Jersey, at a total contract price of \$33,474,000.00.

The above-mentioned contract contains provision for the suspension, termination or cancellation of the contract in order to safeguard the Government's interests should the public exigency require such action. An equitable basis for settlement of the contract is provided in the case of each of these contingencies. In the event of termination due to fault of the contractor, the Government may complete the vessels for the account of the contractor.

The contract price is subject to adjustment in accordance with changes in indices of wages and material prices, and is subject to adjustment for changes in the plans and specifications which may be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,  
Chief of Bureau.

[F. R. Doc. 41-1064; Filed, February 13, 1941;  
9:40 a. m.]

[NOD-1628]

#### SUMMARY OF CONTRACT FOR PLANT FACILITIES

CONTRACTOR: THE INGALLS SHIPBUILDING CORPORATION, BIRMINGHAM, ALABAMA

Under date of December 16, 1940, the Navy Department entered into a contract with The Ingalls Shipbuilding Corporation for the acquisition, construction, and installation of additional plant facilities at the plant of that corporation at Pascagoula, Mississippi, at a total estimated cost, including a reserve for contingencies, of \$1,936,000.

The contract is in general accordance with the Bureau of Ships—National Defense Type, Emergency Plant Facilities contract form for prime contractors. Upon proper certification of the costs borne by the contractor in connection with the construction of the additional facilities, the contractor is to be reimbursed by the Navy in sixty (60) equal monthly installments beginning after completion of the construction work. A

provision in the contract gives either the Government or the contractor the right to terminate the contract under certain conditions, with an equitable basis of settlement.

S. M. ROBINSON,  
Chief of Bureau.

[F. R. Doc. 41-1065; Filed, February 13, 1941;  
9:40 a. m.]

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. A-45]

#### PETITION OF ISLAND CREEK COAL COMPANY FOR A CHANGE IN MINIMUM PRICES IN SIZE GROUP 22 FOR RAIL SHIPMENT TO FRONT ROYAL, VIRGINIA, MARKET AREA 2, OR FOR A CHANGE IN THE BOUNDARY OF MARKET AREA 2 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

##### ORDER DISMISSING PETITION

On motion of the Island Creek Coal Company, original petitioner, that its petition filed herein be dismissed without prejudice.

*It is ordered,* That said original petition be dismissed, without prejudice, and

*It is further ordered,* That the proceedings in this docket be closed.

Dated: February 12, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-1075; Filed, February 13, 1941;  
11:45 a. m.]

[Docket Nos. A-342, A-650]

#### PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A PERMANENT ORDER EQUALIZING MINIMUM PRICES FOR SHIPMENT ALL-RAIL AND AS LAKE CARGO FROM DISTRICTS 4, 7 AND 8 TO MARKET AREA 21, AND FOR A TEMPORARY ORDER REDUCING MINIMUM PRICES FROM SAID DISTRICTS FOR SHIPMENT ALL-RAIL TO SAID MARKET AREA UNTIL JANUARY 1, 1941; PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DOMESTIC SIZE COALS WHEN SHIPPED AS LAKE CARGO FROM DISTRICTS 1 THROUGH 4 AND 6 THROUGH 8 TO CERTAIN DESTINATIONS IN MARKET AREA 21

#### NOTICE OF AND ORDER FOR CONSOLIDATED HEARING, AND FOR CONTINUANCE OF HEARING HERETOFORE SCHEDULED

By Order dated January 25, 1941, the Acting Director, upon motion of intervenor District Board No. 7, continued the hearing in the above matter entitled Docket No. A-342 from January 29, 1941, until February 13, 1941. Subsequently, District Board No. 7, on February 5, 1941, filed an original petition, entitled Docket No. A-650, relating to the same subject matter as the original petition in Docket No. A-342, and praying fundamentally

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for the same relief, namely, equalization of minimum prices upon all-rail and lake cargo shipments of domestic coals to the Detroit metropolitan region in Market Area 21. As is more particularly set forth below, however, the original petition in Docket No. A-650 differs from that in Docket No. A-342, in the nature of the revisions prayed for to accomplish the desired objective.

Together with its original petition in Docket No. A-650, District Board No. 7 filed motions to continue the hearing in Docket No. A-342 from February 13, 1941, to February 24, 1941, and to consolidate Dockets Nos. A-342 and A-650 for hearing on the latter date. In support of these motions, District Board No. 7 urges that it is unable properly to prepare and present the evidence necessary for the protection of the interests of Code Members in District No. 7, in either of the above-entitled matters, until February 24, 1941; that it has been informed that certain tabulations which it has requested of the Division for use in connection with the proceeding in Docket No. A-342 cannot be prepared by February 13, 1941, and that it will be unable properly to protect the interests of Code Members in District No. 7 without the benefit of such tabulations; that the issues in both of the above-entitled matters are so related that the consolidation thereof for hearing will facilitate their expeditious and just consideration; that the same parties are expected to appear and asked to be heard in both of the above-entitled matters; and, accordingly, that the convenience of all parties will be best served by the consolidation thereof for hearing.

New River Company, a code member intervener in both of the above-entitled matters, on February 7, 1941, filed a motion praying that the hearing therein be held not earlier than March 4, 1941, urging that it will be unable properly to prepare its case before that time and that its counsel will be unavailable on February 24 due to previous engagements. The hearing in Docket A-342, however, has been pending since December 10, 1940, and the original petition in Docket A-650 is concerned with essentially similar issues. Hence, the claim that intervener will be prejudiced in the preparation of its case if the hearing is held prior to March 4, 1941, lacks merit. As to the unavailability of its counsel during the week of February 24, 1941, the convenience of intervener must be balanced against those of other interested persons. In this light, intervener's motion cannot be sustained on this ground, for the petitions herein raise important issues concerning lake cargo shipments, whose disposition should be expedited in view of the imminent opening of the lake navigation season.

The Director having considered said motions and the grounds urged in support thereof:

*Now, therefore, it is ordered, That the hearing in Docket No. A-342 be contin-*

*ued from 10 o'clock in the forenoon of February 13, 1941, until 10 o'clock in the forenoon of February 24, 1941, and be held at that time in consolidation with Docket No. A-650, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.*

*It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.*

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith in Docket No. A-342 is in regard to a petition of Consumers' Counsel Division praying that the minimum prices now applicable for shipment of prepared sizes all-rail from Districts 4, 7 and 8 to Market Area 21 be made equally applicable for shipment as lake cargo, both types of shipment to be subject to the same seasonal discounts; to wit, the maximum discount now established for all-rail shipment to be applicable for both methods of shipment from April 1 to July 1, 50 per cent of the maximum discount to be permitted on shipments from July 1 to August 15 and no discount to be applicable for the remainder of the year.

The matter concerned herewith in Docket No. A-650 is in regard to a petition of District Board No. 7 praying that the minimum prices heretofore established for low-volatile Size Groups 1, 2 and 3 of District No. 7 when shipped as lake cargo to certain destinations in Market Area 21 be revised by increasing the April (maximum discount) prices by 10, 20, 30, 40 and 50 cents, respectively, during the months of May, June, July, August and September; that the minimum prices heretofore established for low-volatile Size Groups 4 and 6 of District No. 7 when shipped as lake cargo to said destinations be revised by increasing the April prices by 5, 10, 15, 20 and 25 cents, respectively, during the months of May, June, July, August and September; and by maintaining the September price for all of said Size Groups until, but not including, the following April. It is further prayed that the effective minimum prices for lake cargo shipments of related size groups in Districts Nos. 1 through 4, 6, 8 and 7 (high volatile) to destinations in Market Area 21 be increased by similar amounts during the same periods of the year, in order to preserve the coordination heretofore established on such shipments.

Dated: February 12, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-1073; Filed, February 13, 1941;  
11:45 a. m.]

[Docket No. A-620]

PETITION OF DISTRICT BOARD 9 REQUESTING AN INCREASE IN THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 9 FOR TRUCK SHIPMENT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND REDESIGNATING TRIAL EXAMINER AND PLACE OF HEARING

The above-entitled matter having been assigned for a public hearing before Travis Williams, the duly designated Trial Examiner, on February 25, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division in Washington, D. C.; and

The Director deeming it necessary in order to afford all interested parties and persons full opportunity to be heard;

*It is ordered, That Edward J. Hayes be, and he hereby is, designated to preside at the above-entitled matter vice Travis Williams.*

*It is further ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed until March 11, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Post Office Building, Evansville, Indiana.*

Dated: February 12, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-1074; Filed, February 13, 1941;  
11:45 a. m.]

## DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 277]

CARIBBEAN ATLANTIC AIRLINES, INC.

NOTICE OF HEARING<sup>1</sup>

In the matter of application for a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938.

Further hearing in the above-entitled proceeding, being the application of Caribbean-Atlantic Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between San Juan and Ponce, P. R.; San Juan and Mayaguez, via Aguadilla; San Juan and Mayaguez, via Ponce; San Juan and Vieques; and San Juan and St. Croix, Virgin Islands, via St. Thomas, is hereby assigned for February 17, 1941, 9:30 a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Board, 912 Ninth Street, NW, Washington, D. C., before Examiner Frank P. McIntyre.

Dated Washington, D. C., February 12, 1941.

[SEAL] FRANK P. MCINTYRE,  
Examiner.

[F. R. Doc. 41-1063; Filed, February 13, 1941;  
9:40 a. m.]

## DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 17 FOR MINIMUM WAGES IN THE JEWELRY MANUFACTURING INDUSTRY

Whereas a public hearing was held on January 21-24 inclusive and February 3, 1941 before Henry T. Hunt, Esquire, as Presiding Officer at which all interested persons were given an opportunity to be heard and to offer evidence on the following questions:

(1) Whether the recommendations of Industry Committee No. 17 shall be approved or disapproved; and

(2) In the event an order is issued approving the recommendations what, if any, prohibition, restriction or regulation of home work in this industry is necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein;

Now, therefore, notice is hereby given that the Administrator will receive written briefs, (not fewer than twelve copies) on or before March 6, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on March 13, 1941, at 10 a. m. in Room 3229, Department of Labor building, Fourteenth Street and Constitution Avenue, Washington, D. C., by any

person who entered an appearance at said hearing provided that on or before March 6, 1941, such person informs the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 13th day of February 1941.

JAMES F. KING,  
Acting Administrator.

[F. R. Doc. 41-1089; Filed, February 13, 1941;  
11:55 a. m.]

## FEDERAL SECURITY AGENCY.

Social Security Board.

## CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF NEW JERSEY

The Unemployment Compensation Commission of the State of New Jersey having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the New Jersey unemployment compensation law, and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of New Jersey.

February 4, 1941.

[SEAL] SOCIAL SECURITY BOARD,  
A. J. ALTMAYER,  
Chairman.

Approved:

PAUL V. MCNUTT,  
Administrator.

FEBRUARY 8, 1941.

[F. R. Doc. 41-1068; Filed, February 13, 1941;  
11:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-233]

IN THE MATTER OF THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY  
ORDER PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 12th day of February, A. D. 1941.

The above named party, a direct subsidiary of Wisconsin Electric Power Company and an indirect subsidiary of The North American Company, a registered holding company, having filed an application pursuant to Rule U-12C-1 promulgated under the Public Utility Holding Company Act of 1935, seeking approval of the purchase at par of 5,000 shares of its common stock, par value \$100 per share, from Wisconsin Electric Power Company, the owner of all of the outstanding securities of said party, and the retirement and cancellation of such reacquired stock; and

The application having been filed on January 18, 1941, and an amendment thereto having been filed on February 6, 1941, and notice of said filing having been duly given in the form and in the manner prescribed by Rule U-8 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve the application, as amended, pursuant to Rule U-12C-1 under the Act and finding with respect thereto that the transaction of said party in its own securities is not objectionable under Rule U-12C-1; and

The Commission being satisfied that the date of approval of the application, as amended, should be advanced:

*It is hereby ordered.* Pursuant to said Rule U-8 and Rule U-12C-1 promulgated under the Act and the applicable provisions of the Act, that the aforesaid application, as amended, be and the same hereby is approved forthwith; subject, however, to the terms and conditions prescribed in Rule U-9 promulgated under the Act.

By the Commission. Commissioner Healy dissented for reasons stated in his Memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-1072; Filed, February 13, 1941;  
11:25 a. m.]

[File No. 812-129]

## IN THE MATTER OF THE LEHMAN CORPORATION

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of February, A. D. 1941.

The Lehman Corporation, a registered closed-end management investment company having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to purchase a maximum of 15,000 shares

<sup>1</sup> Issued by the Civil Aeronautics Board.

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of its own capital stock from persons not affiliated with its management or affiliated persons of such persons at prices not in excess of one-quarter point above the closing market price of such capital stock on the day preceding any such purchase plus a regular brokerage commission;

It is ordered that a hearing on the matter of application of the above named applicant under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 be held on February 18, 1941, at 9:45 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Moore, Esq. or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-1070; Filed, February 13, 1941;  
11:24 a. m.]

[File No. 812-131]

IN THE MATTER OF THE ADAMS EXPRESS COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of February, A. D. 1941.

The Adams Express Company, a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to purchase a maximum of 37,000 shares of its own common stock from persons not affiliated with its management or affiliated persons of such person at a price not to exceed the lower of either (A) the net asset value of its common stock, or (B) the market price of its common stock on the New York Stock Exchange as determined by the then offering price plus a regular stock exchange commission;

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the Rules of the Commission for an exemption from

the provisions of section 23 (c) (3) of the Investment Company Act of 1940 be held on February 20, 1941 at 9:45 o'clock in the forenoon of that date in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk will advise interested parties where such hearing will be held. After the commencement of such hearing the same may be continued by the Trial Examiner and such continued hearing may be held in the same or such other place as the Trial Examiner may designate.

It is further ordered, That William W. Swift, Esq., or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-1069; Filed, February 13, 1941;  
11:24 a. m.]

[Files Nos. 31-109, 31-493, 31-108, 31-107,  
31-106, 31-422, 31-423]

IN THE MATTERS OF PANHANDLE EASTERN PIPE LINE COMPANY, COLUMBIA OIL & GASOLINE CORPORATION, COLUMBIA GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1941.

Panhandle Eastern Pipe Line Company having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it not to be a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, and subsequent to such application, said Panhandle Eastern Pipe Line Company having filed a supplemental application for an order of the Commission declaring it not to be a subsidiary company of said Columbia Gas & Electric Corporation, or of Columbia Oil & Gasoline Corporation, or of Missouri-Kansas Pipe Line Company (or of Henry T. Bush and C. Ray Phillips, Receivers thereof), or of Gano Dunn, Trustee under a decree entered into in the District Court of the United States for the District of Delaware in *United States v. Columbia Gas &*

*Electric Corporation, Columbia Oil & Gasoline Corporation, et al.;*

Panhandle Eastern Pipe Line Company having subsequently filed an application pursuant to section 2 (a) (8) of said Act requesting that it be declared not to be a subsidiary company of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, or of Missouri-Kansas Pipe Line Company, and requesting that this application be substituted in its entirety for the application and all amendments thereto previously filed by the company; Panhandle Eastern Pipe Line Company having subsequently filed an application requesting an order of the Commission permitting withdrawal of the original application, and amendments thereto, heretofore referred to;

Panhandle Eastern Pipe Line Company and Panhandle Illinois Pipe Line Company having filed an application under section 2 (a) (4) of said Act for orders declaring each of such companies not to be a gas utility company; Panhandle Eastern Pipe Line Company having applied for an order, under section 3 (a) (3) of said Act, exempting it as a holding company and every subsidiary company thereof, as such, from the provisions of said Act; Panhandle Eastern Pipe Line Company having subsequently amended its application filed heretofore, pursuant to section 3 (a) (3) of said Act, and substituting in its entirety an amended application pursuant to section 3 (a) (3) (A) of said Act for an order exempting it as a holding company and every subsidiary company thereof, as such, from the provisions of said Act;

Columbia Oil & Gasoline Corporation having filed an application pursuant to section 2 (a) (8) of said Act for an order declaring it not to be a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company;

Columbia Oil & Gasoline Corporation having filed an application pursuant to section 3 (a) (3) and section 3 (a) (5) of said Act for an order exempting it as a holding company and every subsidiary company thereof, as such, from the provisions of said Act;

Columbia Gas & Electric Corporation having filed an application pursuant to section 2 (a) (8) of said Act for an order declaring that Columbia Oil & Gasoline Corporation, and its subsidiaries, including The Ohio Fuel Supply Company, The Preston Oil Company, Union Gasoline & Oil Corporation, Viking Distributing Company, Virginian Gasoline & Oil Company, and Panhandle Corporation, are not subsidiary companies of Columbia Gas & Electric Corporation, a registered holding company;

Columbia Gas & Electric Corporation having filed an application pursuant to section 2 (a) (8) of said Act for an order declaring that Panhandle Eastern Pipe Line Company, Central Distributing Company, Panhandle Illinois Pipe Line Company, and Illinois Natural Gas Company, subsidiary companies of Panhandle

Eastern Pipe Line Company, are not subsidiary companies of Columbia Gas & Electric Corporation, a registered holding company;

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect of each of said matters may have a bearing on the other; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

*It is ordered.* That the hearings on said matters be and they hereby are consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic

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disposition of either proceeding to order a separate hearing concerning either matter, to close the record with respect to either matter, or to take action on either matter prior to closing the record on said other matter;

*It is ordered.* That such consolidated hearing on such matters under the applicable provisions of said Act be held on February 24, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held;

*It is further ordered.* That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in

such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 19, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-1071; Filed, February 13, 1941;  
11:24 a. m.]